IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.19996 of 2006

DATE OF DECISION: December 18, 2006

Pankaj Chaudhary

….Petitioner

VERSUS

State of Haryana and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Shailendra Jain, ADvocate for the petitioner.

Viney Mittal,J.(Oral).

At the outset, learned counsel appearing for the petitioner has pointed out against the orders dated December 1, 2006 (Annexure P.6), the petitioner has already filed a statutory appeal before the Tribunal constituted by the State of Haryana under the Punjab Scheduled Roads Controlled Areas Restriction of Unregulated Development Act, 1963. Although the aforesaid appeals have been filed on December 6, 2006, but no sitting of the Tribunal was held on the aforesaid date and now the matter is fixed for hearing on January 3, 2007. In these circumstances, the learned counsel appearing for the petitioner contends that the interest of petitioner be protected only till the time, when the case comes up for hearing before the Tribunal.

After hearing the learned counsel for the petitioner, we find that the limited prayer made by the learned counsel is wholly justified in facts and circumstances of the case.

In this view of the matter, without going into the merits of the claim made by the petitioner at all and without commenting anything thereupon, we dispose of the present petition and direct that till the case is taken up for motion hearing by the Tribunal, no coercive process shall be initiated against the petitioner.

Present petition is disposed of accordingly.

However, we make it clear that the interim protection granted by this Court shall not affect the merits of the case and the Tribunal would be at liberty to pass any order in accordance with law.

Copy of the order be given Dasti under the signatures of the Special Secretary attached to the Court.

(Viney Mittal)
Judge

December 18, 2006
KD

(H.S. Bhalla)
Judge